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Summary of Stakeholders' submissions on Belize*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of six stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Regarding recommendation 99.1 from the second cycle of the universal periodic review[3], the International Human Rights Clinic - University of Oklahoma College of Law (IHRC-OU) noted that in 2015 Belize ratified the International Covenant on Economic, Social and Cultural Rights.[4] IHRC-OU recommended that Belize consider ratifying the Optional Protocol to the same covenant.[5] It also recommended that Belize sign and ratify the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "Protocol of San Salvador".[6]

3. IHRC-OU noted that in 2015 Belize acceded to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.[7]

4. Regarding recommendation 99.42[8], IHRC-OU recommended that Belize ratify the International Labour Organization Convention No. 169.[9]

5. The International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Belize was among the co-sponsors of the UN General Assembly resolution in 2016 that established the mandate to negotiate the UN Treaty on the Prohibition of Nuclear Weapons, participated in the negotiation of the Treaty, and voted in

* The present document was not edited before being sent to United Nations translation services.

favour of its adoption in 2017. However, it noted that Belize had not ratified the Treaty and recommended that Belize sign and ratify it as a matter of urgency.[10]

6. IHRC-OU recommended that Belize submit the reports on implementation of ratified treaties and conventions, including all overdue reports to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the implementation of the Convention against Discrimination in Education.[11]

B. National human rights framework[12]

7. Joint Submission 2 (JS2) considered noteworthy that, in January 2018, Belize sought technical support through the regional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to conduct a feasibility study to examine the process for the development of a National Human Rights Institute.[13]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[14]

8. JS2 stated that the progressive nature of the Belize Constitution and its commitment to anti-discrimination were not reflected in the country's subsidiary laws.[15] It also noted that Belize had made no effort to advance anti-discrimination legislation that included discrimination based on sexual orientation or gender identity or a strategy to address hate speech online and in the media.[16]

9. While commending Belize for fostering national debate about its sodomy law and the rights of LGBT Belizeans, JS2 noted that it was a decision of the Supreme Court of Belize that in 2016 formally decriminalised sex between consenting adults in private.[17]

10. JS2 recommended that Belize establish a centralised mechanism accessible to LGBT Belizeans that could investigate and sanction perpetrators of civil rights violations.[18]

2. Civil and political rights

Right to life, liberty and security of person[19]

11. JS2 reported that LGBT Belizeans continued to experience crime and violence that went undocumented.[20] It recommended that Belize centralise disaggregated data collection on violence and discrimination through the police department and the Ministry of Health and develop a trauma-centred strategy and an anti-violence prevention plan that could be incorporated in the current National Security Strategic Plan.[21]

12. JS2 noted that, although police intimidation based on gender orientation or gender identity was not a State policy in Belize, it was a police's practice to reject, ignore or dismiss reports if the person was effeminate, a transwoman or very young. It recommended that Belize develop a zero-tolerance policy against discrimination and establish a non-discrimination position within the police department on how to handle reports of violence against sex workers and LGBT individuals.[22]

13. The Belize Family Life Association (BFLA) recommended that Belize ensure the establishment of efficient and effective systems for redress in instances of violence and discrimination based on sexual orientation, gender identity or expression and/or HIV status.[23]

Administration of justice, including impunity, and the rule of law[24]

14. IHRC-OU stated that Belize should display the achievements of the Office of the Integrity Commission of Belize, created after Belize's ratification of the Convention against Corruption.[25]

15. JS2 welcomed the efforts made through the National AIDS Commission to conduct human rights trainings for government officials, but noted that these trainings had been intermittent with no report of impact in the delivery of justice or public services.[26]

Fundamental freedoms and the right to participate in public and political life

16. IHRC-OU recommended that Belize implement a plan to increase Mayan/Garifuna presence in the political system.[27]

17. Joint Submission 1 (JS1) indicated that the Government of Belize had targeted Maya peoples for defending their human rights, subjecting them to unfounded criminal proceedings in order to paralyze or delegitimize their cause.[28]

Right to privacy and family life

18. IHRC-OU recommended that Belize raise the minimum age to marry for girls to 18 years.[29]

19. JS2 recommended that Belize amend the definition of family and make it gender neutral, revise its legislation to acknowledge common law unions as between "two persons" and define "spouse" in such a way that the other laws concerning family and property rights could be inclusive of same sex couples. It also recommended that Belize establish civil partnership laws to guarantee same-sex couples' socio-economic and reproductive rights.[30]

3. Economic, social and cultural rights

Right to social security

20. JS2 noted that that the Social Security Act C 44 provided maternity benefits only for an insured woman who gave birth or for an insured man in respect of his wife confinement after pregnancy, but did not cover same sex partners after the birth of their partner's child or the child of a same sex partner that had not been adopted by the surviving partner.[31] It also indicated that the Widows' and Children's Pensions Act C32 (Revised Edition 2000) and the Pensions Act C30 (Revised Edition 2000) limited benefit coverage to traditional family members, excluding the possibility for same sex partners to receive any benefit after the death of his or her partner.[32]

Right to an adequate standard of living[33]

21. IHRC-OU acknowledged that the government was publicly committed to establishing programs designed to eradicate poverty.[34]

22. JS2 noted that, while common law heterosexual partners who had cohabited for 5 or more years benefitted from the estate of their partner if the latter died intestate, as if they were formally married spouses, there was no succession in the ownership of a house for same sex partners.[35]

Right to health[36]

23. IHRC-OU noted that delivering healthcare to rural areas remained challenging because of a lack of infrastructure. It acknowledged that Belize had increased funding to the health sector, but was concerned that the increased spending would not reach rural and indigenous areas.[37]

24. BFLA recommended that Belize ensure the integration of the principles of human rights and non-discrimination based on gender, age, sexual orientation and gender identity into all medical disciplines programmes at the University of Belize and that implement systematic sensitization for all health sector employees on these issues.[38]

25. JS2 reported that there was no legislation permitting a same sex partner to make life and death decisions about medical care and treatment for critically ill or dying partner.[39]

26. BFLA stated that, despite the commitments assumed by Belize at the international level, there had been little progress in the development and implementation of comprehensive sexuality education programs in schools. It noted the lack of a

comprehensive sexuality education policy and the influence of the strong opposition from religious leaders in this regard.[40] BFLA recommended that Belize develop a national comprehensive sexuality education policy, with a universal curriculum complying with the International Technical Guidance on Sexuality Education, and ensure adequate resources for its implementation.[41]

27. IHRC-OU noted that Belize had not amended its abortion law to remove the punitive provisions.[42]

28. IHRC-OU acknowledged that Belize had made significant gains in addressing the multiple challenges associated with HIV/AIDS. However, it noted that Belize had not amended its law requiring parental consent for HIV testing of minors and had failed to address the stigmatization of and discrimination against those living with HIV.[43]

29. BFLA recommended that Belize develop, adequately finance, implement and evaluate at the national level an effective HIV/AIDS Prevention Communication Strategy including the principles of human rights and non-discrimination based on gender, age, sexual orientation and gender identity.[44]

Right to education[45]

30. IHRC-OU stated that, despite its detailed education laws and policies, Belize had failed to protect the Garifuna community and its unique culture. It also noted that, because of the country's standardized fees after primary school, many Garifuna did not pursue education past primary school.[46]

31. IHRC-OU stated that Belize did not have programs of bilingual education, nor specific policies dealing with the promotion of native languages. It recommended that Belize increase research of indigenous languages and cultures at the national university.[47]

32. JS2 reported cases of discrimination against LGBT persons in the education sector and noted the lack of a law or national policy on bullying in education.[48]

4. Rights of specific persons or groups

Women[49]

33. BFLA noted that the lack of information on HIV prevention and of women's power to use such information in sexual relationships, including in the context of marriage, undermined their ability to negotiate condom use and engage in safer sex practices. It added that the lack of a national policy on comprehensive sexuality education in schools exacerbated the human rights violations already experienced by women and girls who were victims of gender based violence and served to perpetuate the cycle of violence.[50]

Children[51]

34. Regarding recommendation 99.26[52], the Global Initiative to End All Corporal Punishment of Children (GIEAPC) reported that in Belize corporal punishment of children was lawful in the home, some alternative care and day care settings and some penal institutions. It hoped that States in the UPR Working Group would recommend that Belize fulfil its previous UPR commitment and draft and enact legislation, as a matter of priority, to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defences and authorisations for its use.[53]

Persons with disabilities[54]

35. IHRC-OU stated that Belize had not implemented recommendation 97.30[55] and that since 2013 there had been no changes regarding the accessibility of health services for persons with disabilities.[56]

Minorities and indigenous peoples[57]

36. JS1 stated that, since its second UPR cycle, Belize had failed to protect the rights of Maya peoples by permitting acts by government agents and third parties that affected the

land and other resources belonging to the Maya peoples without their free, prior and informed consent. These activities included construction and extractive activities, logging and demolition of sacred sites.[58]

37. Regarding recommendations 99.43 and 99.44[59], IHRC-OU highlighted that the Consent Order issued in 2015 by the Caribbean Court of Justice (CCJ) in the case *Maya Leaders Alliance Et Al and the Attorney General of Belize* acknowledged that Maya customary land tenure rights existed in the Maya villages in the Toledo District and that they gave rise to collective and individual property rights.[60] JS1 indicated that the Consent Order further required the Government of Belize to identify and protect Maya property and other rights arising from customary land tenure and abstain from interference with these rights if Maya consent had not been granted through a process of meaningful consultation.[61] It also noted that the Consent Order was accompanied by a written commitment by the Government that defined the nature of the rights affirmed and set out a schedule for the demarcation process. It stated that three years after the Consent Order the Government had not progressed in the development of the legislative, administrative or other measures necessary to delimit, demarcate, title or otherwise clarify and protect Maya land.[62]

38. JS1 acknowledged the creation in 2016 of the Toledo Maya Land Rights Commission as the government mechanism to implement the Consent Order. However, it noted that the Commission had taken the view that it was for the Government alone to determine how to implement the Consent Order and who should be consulted in this process. It also noted that, since its constitution, the Commission had met only twice with the Maya peoples' duly elected representatives.[63] JS1 urged Belize to clarify the mandate of the Commission so that it could work in partnership with the Maya peoples' duly elected representatives to adopt meaningful consultation policies and create an effective method to demarcate and title Maya land. Until then, JS1 urged Belize to refrain from acting, or permitting or tolerating third parties to act, in ways that might affect the existence, use or enjoyment of the property located within the geographic area occupied by the Maya peoples.[64]

39. IHRC-OU recommended that Belize consider including constitutional recognition of property rights that apply to Indigenous and Garifuna people and take concrete measures to allow them to exercise jurisdiction over their traditional lands.[65]

Migrants, refugees, asylum seekers and internally displaced persons[66]

40. JS2 noted that Belize's immigration law prohibited LGBT immigrants from entering the country. It recommended that Belize amend any section of such law that promoted or reinforced discriminatory practices in immigration and establish an accessible complaint mechanism.[67]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

BFLA	Belize Family Life Association (Belize);
GIEACPC	The Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
IHRC-OU	International Human rights Clinic, International Human Rights Clinic - University of Oklahoma College of Law (United States of America).

Joint submissions:

JS1	**Joint submission 1 submitted by**: Maya Leaders Alliance (Belize); Cultural survival (United States of America);
JS2	**Joint submission 2 submitted by**: United Belize Advocacy

Movement – UniBAM (Belize); Our Circle (Belize); Promoting Empowerment Through Awareness for Les/Bi Women – PETAL (Belize); Belize Youth Empowerment for Change – BYEC (Belize); Empower Yourself Belize Movement – EYBM (Belize); Trans In Action – TIA (Belize).

[2] For the relevant recommendations, see A/HRC/25/13, paras. 98.5, 99.1- 99.6, 99.11, 99.18- 99.21, 99.23, 99.24, 99.42.
[3] UPR recommendation 99.1 (Brazil, Paraguay). For the full text of the recommendation, see A/HRC/25/13.
[4] See IHRC-OU, p. 1. See also BFLA, p. 3; and JS1, p. 2.
[5] See IHRC-OU, p. 4.
[6] See IHRC-OU, p. 3.
[7] See IHRC-OU, p. 1.
[8] UPR recommendation 99.42 (Honduras). For the full text of the recommendation, see A/HRC/25/13.
[9] See IHRC-OU, pp. 4 and 5.
[10] See ICAN, p. 1.
[11] See IHRC-OU, pp. 2 and 4.
[12] For relevant recommendations, see A/HRC/25/13, paras. 97.1 - 97.6, 98.1, 98.2, 98.26, 99.7, 99.8, 99.10 - 99.16.
[13] See JS2, p. 4.
[14] For the relevant recommendations, see A/HRC/25/13, paras. 97.7, 97.9, 98.6, 98.8, 99.28 - 99.39.
[15] See JS2, p. 3.
[16] See JS2, pp. 9 - 10 and 13.
[17] See JS2, p. 4.
[18] See JS2, p. 9.
[19] For relevant recommendations, see A/HRC/25/13, paras. 98.3, 98.9, 99.17, 99.22, 99.25.
[20] See JS2, pp. 2 and 6.
[21] See JS2, p. 7.
[22] See JS2, pp. 7, 11 and 13.
[23] See BFLA, p. 5.
[24] For relevant recommendations, see A/HRC/25/13, paras. 97.19, 98.4, 99.17, 99.23, 99.24, 99.27.
[25] See IHRC-OU, p. 2.
[26] See JS2, p. 4.
[27] See IHRC-OU, p. 3.
[28] See JS1, p. 12.
[29] See IHRC-OU, p. 6.
[30] See JS2, pp. 5 and 11.
[31] See JS2, p. 3.
[32] See JS2, p. 11.
[33] For relevant recommendations, see A/HRC/25/13, paras. 97.33, 98.15 - 98.17, 98.24, 98.25.
[34] See IHRC-OU, p. 5.
[35] See JS2, pp. 3 and 8.
[36] For relevant recommendations, see A/HRC/25/13, paras. 97.25, 97.26, 98.18.
[37] See IHRC-OU, pp. 5 - 6.
[38] See BFLA, p. 5.
[39] See JS2, p. 10.
[40] See BFLA, pp. 3 - 4.
[41] See BFLA, p. 5.
[42] See IHRC-OU, p. 6.
[43] See IHRC-OU, p. 5.
[44] See BFLA, p. 5.
[45] For relevant recommendations, see A/HRC/25/13, paras. 97.27, 98.3, 98.4, 98.19, 98.20.
[46] See IHRC-OU, p. 4.
[47] See IHRC-OU, pp. 2 and 3.
[48] See JS2, pp. 7 – 8.
[49] For relevant recommendations, see A/HRC/25/13, paras. 97.8, 97.10 - 97.13, 97.21 - 97.23, 98.7, 98.10 - 98.14
[50] See BFLA, p. 4.
[51] For relevant recommendations, see A/HRC/25/13, paras. 97.14, 97.20, 99.26, 99.40, 99.41.
[52] UPR recommendation 99.26 (Slovenia). For the full text of the recommendation, see A/HRC/25/13.
[53] See GIEACPC, pp. 1 - 2.
[54] For relevant recommendations, see A/HRC/25/13, paras. 97.28 - 97.30, 98.21.

[55] UPR recommendation 97.30 (Maldives). For the full text of the recommendation, see A/HRC/25/13.
[56] See IHRC-OU, pp. 5 - 6.
[57] For relevant recommendations, see A/HRC/25/13, paras. 98.22, 98.23, 99.42 - 99.44.
[58] See JS1, pp. 2 and 10-11.
[59] UPR recommendations 99.43 (Peru) and 99.44 (Norway). For the full text of the recommendation, see A/HRC/25/13.
[60] See IHRC-OU, pp. 4 - 5.
[61] See JS1, p. 4.
[62] See JS1, p. 6.
[63] See JS1, p. 6.
[64] See JS1, p. 13.
[65] See IHRC-OU, pp. 4 - 5. See also JS1, p. 13.
[66] For relevant recommendations, see A/HRC/25/13, paras. 97.31, 99.9.
[67] See JS2, pp. 4 - 5.